

**EIGHTY-THIRD GENERAL ASSEMBLY
2010 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

FEBRUARY 24, 2010

HOUSE FILE 816

H-8199

1 Amend House File 816 as follows:
2 1. Page 1, before line 34 by inserting:
3 <Sec. _____. NEW SECTION. 422.72A Suspected misuse
4 of personal information -- notice required.
5 1. For the purposes of this section, the following
6 definitions apply:
7 a. "Affected individual" means an individual who is
8 identified by or connected with personal information
9 contained in the department's records.
10 b. "Personal information" means all of the
11 following:
12 (1) Social security number.
13 (2) Tax identification number.
14 (3) Driver's license number or other unique
15 identification number created or collected by a
16 government body.
17 (4) Financial account number, credit card number,
18 or debit card number in combination with any required
19 security code, access code, or password that would
20 permit access to an individual's financial account.
21 (5) Unique electronic identifier or routing code,
22 in combination with any required security code, access
23 code, or password.
24 c. "Suspected misuse of personal information"
25 means circumstances exist which would cause a
26 reasonable person to believe that an individual's
27 personal information is being used by an unauthorized
28 individual. Such circumstances include but are not
29 limited to either of the following:
30 (1) A tax identification number under which wages
31 are being reported by two or more individuals.
32 (2) A tax identification number of an individual
33 under the age of sixteen with reported wages exceeding
34 one thousand dollars for a single quarterly period.
35 2. a. Unless otherwise prohibited by state or
36 federal law, the department shall provide notice
37 to each affected individual if department records
38 indicate a suspected misuse of personal information.
39 Notice shall be made without unreasonable delay. If
40 the affected individual is a minor, notice shall be
41 provided to the minor's parent or guardian.
42 b. If notice is provided to an affected individual
43 under paragraph "a", notice of the suspected misuse
44 of personal information shall also be provided to an
45 appropriate law enforcement agency.
46 3. Notice provided to an affected individual shall
47 be clear and conspicuous and be provided by at least
48 one of the following:
49 a. Written notice to the affected individual's last
50 address of record.

H-8199

1 b. Electronic mail notice, if the affected
2 individual has agreed to receive communications
3 electronically.

4 c. Telephonic notice, if the communication is made
5 directly with the affected individual.>

6 2. Title page, line 3, after <interest> by
7 inserting <and requiring the department to provide
8 notice of suspected misuse of personal information>

9 3. By renumbering as necessary.

By PETTENGILL of Benton

H-8212

1 Amend House File 2297 as follows:
2 1. Page 2, line 17, by striking <is a practicing>
3 and inserting <as an obstetrician or>
4 2. Page 2, by striking lines 23 through 25 and
5 inserting <midwives; and two members who shall
6 represent the general public and who are not licensed
7 as a midwife, physician, or nurse.>
8 3. Page 3, line 8, after <periods> by inserting
9 <,including newborn care up to six weeks,>
10 4. Page 3, line 22, by striking <2011> and
11 inserting <2012>
12 5. Page 3, line 26, after <shall> by inserting
13 <meet minimum education requirements and>
14 6. Page 3, line 32, after <resuscitation.> by
15 inserting <Applicants must also hold a certified
16 professional midwife credential issued by the north
17 American registry of midwives or any other nationally
18 accredited credential as specified by the board. If
19 an applicant has been subject to prior revocation of a
20 license to practice medicine or nursing, the applicant
21 is not eligible for licensure under this chapter,
22 unless the applicant makes a satisfactory appeal to the
23 board.
24 In reviewing applications, the board may request,
25 at the applicant's expense, that the department of
26 public safety perform a criminal history check and
27 the department of human services perform child and
28 dependent adult abuse record checks of the applicant.
29 If an applicant has a criminal record or a record of
30 founded child or dependent adult abuse, the board shall
31 perform an evaluation to determine whether the record
32 warrants denial of licensure.>
33 7. Page 4, after line 3 by inserting:
34 <Sec. _____. NEW SECTION. 148F.3A Insurance.
35 If the board determines that liability insurance is
36 available at an affordable price to licensed midwives,
37 the board may mandate such coverage by rule. Until
38 that time, a licensed midwife shall provide each
39 client with a disclosure statement indicating that the
40 midwife does not have liability insurance as provided
41 in section 148F.5.>
42 8. Page 4, line 16, after <midwife,> by inserting
43 <as specified in section 148F.2,>
44 9. Page 4, by striking lines 25 through 28.
45 10. Page 4, line 33, by striking <shall> and
46 inserting <may>
47 11. Page 5, by striking lines 6 through 13 and
48 inserting:
49 <3. In establishing rules, the board shall reflect
50 the knowledge and skills identified by the north

H-8212

Page 2

1 American registry of midwives' current job description
2 for the profession and the standards of practice of
3 midwifery established by the national association
4 of certified professional midwives or a successor
5 organization.>

6 12. Page 5, line 16, after <information> by
7 inserting <, in a manner determined by the board by
8 rule,>

9 13. Page 6, line 4, by striking <2011> and
10 inserting <2012>

11 14. Page 6, by striking lines 13 through 21.

12 15. Page 7, line 14, by striking <These> and
13 inserting <The>

14 16. Page 7, line 16, by striking <2011> and
15 inserting <2012>

16 17. By renumbering as necessary.

By MASCHER of Johnson

H-8212 FILED FEBRUARY 23, 2010

HOUSE FILE 2321

H-8204

1 Amend the amendment, **H-8055**, to **House File 2321** as
2 follows:

3 1. Page 1, after line 15 by inserting:

4 <___. Page 1, line 12, by striking <inform> and
5 inserting <provide the prisoner with the contact
6 information for>

7 ___. Page 1, lines 14 and 15, by striking <that a
8 prisoner at the jail or facility is a veteran and may
9 be entitled to> and inserting <, and the prisoner shall
10 be allowed to contact the county commission of veteran
11 affairs to request>>

By ZIRKELBACH of Jones

H-8204 FILED FEBRUARY 23, 2010

HOUSE FILE 2402

H-8202

1 Amend **House File 2402** as follows:

2 1. Page 1, line 5, after <registry.> by inserting
3 <In developing the plan, consideration shall be given
4 to inclusion in the stroke triage system of facilities
5 outside the state that are the closest and most
6 appropriate to provide stroke care to Iowans residing
7 along the state's borders.>

By SODERBERG of Plymouth

ALONS of Sioux

FORRISTALL of Pottawattamie

H-8202 FILED FEBRUARY 23, 2010

HOUSE FILE 2410

H-8207

- 1 Amend House File 2410 as follows:
- 2 1. Page 1, by striking lines 19 through 23.
- 3 2. By renumbering as necessary.

By SCHULTE of Linn

H-8207 FILED FEBRUARY 23, 2010

H-8219

1 Amend House File 2417 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 598.41C, subsection 1, Code
5 2009, is amended to read as follows:

6 1. a. If an application for modification of a
7 decree or a petition for modification of an order
8 regarding child custody or physical care is filed prior
9 to or during the time a parent is serving active duty
10 in the military service of the United States, the court
11 may only enter an order or decree temporarily modifying
12 the existing child custody or physical care order or
13 decree if there is clear and convincing evidence that
14 the modification is in the best interest of the child.

15 b. If the active duty of a parent affects the
16 parent's ability or anticipated ability to appear at a
17 regularly scheduled hearing, the court shall provide
18 for an expedited hearing in matters instituted under
19 this section.

20 c. If the active duty or anticipated active duty of
21 a parent prevents the parent from appearing in person
22 at a hearing, the court shall provide, upon reasonable
23 advance notice, for the parent to present testimony
24 and evidence by electronic means in matters instituted
25 under this section. For the purposes of this
26 paragraph, "electronic means" includes communication by
27 telephone, video teleconference, or the internet.

28 d. Upon the parent's completion of active duty,
29 the court shall reinstate the custody or physical
30 care order or decree that was in effect immediately
31 preceding the period of active duty. If an application
32 for modification of a decree or a petition for
33 modification of an order is filed after a parent
34 completes active duty, the parent's absence due to
35 active duty does not constitute a substantial change
36 in circumstances, and the court shall not consider a
37 parent's absence due to that active duty in making a
38 determination regarding the best interest of the child.

39 Sec. 2. NEW SECTION. 598.41D Assignment of
40 visitation -- parent serving active duty -- family
41 member.

42 1. Notwithstanding any provision to the contrary, a
43 parent who has been granted court-ordered visitation
44 with the parent's minor child may file an application
45 for modification of a decree or a petition for
46 modification of an order regarding child visitation,
47 prior to or during the time the parent is serving
48 active duty in the military service of the United
49 States, to temporarily assign that parent's visitation
50 rights to a family member of the minor child, as

H-8219

1 specified by the parent. The application or petition
2 shall be accompanied by an affidavit from the family
3 member indicating the family member's knowledge of the
4 application or petition and willingness to exercise the
5 parent's visitation rights during the parent's absence.
6 The application or petition shall also request any
7 change in the visitation schedule necessitated by the
8 assignment.

9 2. a. If the active duty of a parent affects the
10 parent's ability or anticipated ability to appear at a
11 regularly scheduled hearing, the court shall provide
12 for an expedited hearing in matters instituted under
13 this section.

14 b. If the active duty or anticipated active duty of
15 a parent prevents the parent from appearing in person
16 at a hearing, the court shall provide, upon reasonable
17 advance notice, for the parent to present testimony
18 and evidence by electronic means in matters instituted
19 under this section. For the purposes of this
20 paragraph, "electronic means" includes communication by
21 telephone, video teleconference or the internet.

22 3. a. The court may grant the parent's request for
23 temporary assignment of visitation and any change in
24 the visitation schedule requested if the court finds
25 that such visitation is in the best interest of the
26 child.

27 b. In determining the best interest of the child,
28 the court shall ensure all of the following:

29 (1) That the specified family member is not a sex
30 offender as defined in section 692A.101.

31 (2) That the specified family member does not have
32 a history of domestic abuse, as defined in section
33 236.2. In determining whether a history of domestic
34 abuse exists, the court's consideration shall include
35 but is not limited to commencement of an action
36 pursuant to section 236.3, the issuance of a protective
37 order against the individual or the issuance of a
38 court order or consent agreement pursuant to section
39 236.5, the issuance of an emergency order pursuant to
40 section 236.6, the holding of an individual in contempt
41 pursuant to section 664A.7, the response of a peace
42 officer to the scene of alleged domestic abuse or the
43 arrest of an individual following response to a report
44 of alleged domestic abuse, or a conviction for domestic
45 abuse assault pursuant to section 708.2A.

46 (3) That the specified family member does not have
47 a record of founded child or dependent adult abuse.

48 (4) That the specified family member has an
49 established relationship with the child.

50 (5) That the specified family member is able to

1 personally and financially support the child during
2 visitation.

3 4. An order granting assignment of visitation
4 rights under this section does not create separate
5 rights to visitation for a person other than the
6 parent.

7 5. The parent shall provide a copy of the order
8 granting assignment of visitation to the school and
9 school district of the child to whom the order applies.

10 6. An order granting temporary assignment of
11 visitation rights pursuant to this section shall
12 terminate upon notification of the court by the parent
13 or automatically upon the parent's completion of active
14 duty, whichever occurs first.

15 7. After a parent completes active duty, if an
16 application for modification of a decree or a petition
17 for modification of an order is filed, the parent's
18 absence due to active duty or the assignment of
19 visitation rights does not constitute a substantial
20 change in circumstances, and the court shall not
21 consider a parent's absence due to that active duty
22 or the assignment of visitation rights in making a
23 determination regarding the best interest of the child
24 relative to such an application or petition filed after
25 a parent completes active duty.

26 8. As used in this section, "active duty" means
27 active military duty pursuant to orders issued under
28 Tit. X of the United States Code. However, this
29 section shall not apply to active guard and reserve
30 duty or similar full-time military duty performed by
31 a parent when the child remains in actual custody of
32 the parent.

33 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
34 deemed of immediate importance, takes effect upon
35 enactment.>

36 2. Title page, by striking lines 1 through 4 and
37 inserting <An Act relating to custody, physical care,
38 and visitation provisions relating to a child of a
39 parent who is serving active duty in the military
40 service of the United States and including effective
41 date provisions.>

By GAYMAN of Scott

HOUSE FILE 2440

H-8205

1 Amend House File 2440 as follows:
2 1. Page 2, after line 33 by inserting:
3 <Sec. _____. MARKET FACTOR TEACHER INCENTIVES --
4 FUNDS TRANSFER. Notwithstanding any provision of law
5 to the contrary, any remaining allocations paid to a
6 school district for market factor teacher incentives
7 pursuant to section 284.11, Code Supplement 2007, prior
8 to the school budget year beginning July 1, 2009, and
9 which are maintained in a separate listing within a
10 school district's budget shall be transferred by the
11 district into the school district's general fund to be
12 used for general fund purposes beginning with school
13 budget years beginning on or after July 1, 2009.
14 Sec. _____. EFFECTIVE UPON ENACTMENT. This Act,
15 being deemed of immediate importance, takes effect upon
16 enactment.>
17 2. Title page, line 3, after <crime> by inserting
18 <, providing for a transfer of market factor teacher
19 incentive funds, and including effective date
20 provisions>
21 3. By renumbering as necessary.

By PETTENGILL of Benton

H-8205 FILED FEBRUARY 23, 2010

HOUSE FILE 2445

H-8206

1 Amend House File 2445 as follows:
2 1. Page 2, after line 10 by inserting:
3 <Sec. _____. Section 135.175, subsection 3, Code
4 Supplement 2009, is amended to read as follows:
5 3. The department and any entity identified in this
6 section as having control over any of the accounts
7 within the fund, may receive contributions, grants, and
8 in-kind contributions to support the purposes of the
9 fund and the accounts within the fund. Not more than
10 five percent of the moneys allocated to any account
11 within the fund may be used for administrative costs.>
12 2. Page 3, line 5, after <nurses.> by inserting
13 <Grants awarded shall authorize the use of a reasonable
14 portion of the grant moneys for training in the use of
15 the infrastructure purchased with the grant moneys.>

By T. OLSON of Linn

L. MILLER of Scott

H-8206 FILED FEBRUARY 23, 2010

HOUSE FILE 2456

H-8198

1 Amend the amendment, H-8193, to House File 2456 as
2 follows:

3 1. Page 1, by striking lines 2 through 10 and
4 inserting:

5 <____. Page 1, line 25, by striking <write or send
6 a text message> and inserting <write, send, or read
7 a text message or otherwise manipulate a hand-held
8 electronic communication device>

9 _____. Page 1, lines 27 and 28, by striking <is not
10 writing or sending a text message> and inserting <is
11 not violating this section>

12 _____. Title page, lines 1 and 2, by striking
13 <writing or sending a text message> and inserting
14 <using a hand-held electronic communication device>

By RAECKER of Polk

H-8198 FILED FEBRUARY 23, 2010

HOUSE FILE 2456

H-8200

1 Amend the amendment, H-8193, to House File 2456 as
2 follows:

3 1. Page 1, by striking lines 2 through 11 and
4 inserting:

5 <____. Page 1, line 4, by striking <driving.> and
6 inserting <driving -- persons under eighteen years of
7 age.>

8 _____. Page 1, line 24, after <person> by inserting
9 <under eighteen years of age>

10 _____. Page 1, line 25, by striking <write or send>
11 and inserting <write, send, or read>

12 _____. Page 1, lines 27 and 28, by striking <writing
13 or sending> and inserting <writing, sending, or
14 reading>

15 _____. Title page, line 1, by striking <a person
16 from writing or sending>, and inserting <a person
17 under eighteen years of age from writing, sending, or
18 reading>>

19 2. By renumbering as necessary.

By RANTS of Woodbury

H-8200 FILED FEBRUARY 23, 2010

HOUSE FILE 2456

H-8201

1 Amend the amendment, H-8193, to House File 2456 as
2 follows:
3 1. Page 1, by striking lines 2 through 11 and
4 inserting: <____.
5 Page 1, line 4, by striking <Text-messaging
6 while driving.> and inserting <Use of electronic
7 communication device -- persons under eighteen. >____.
8 Page 1, line 10, after <to> by inserting
9 <engage in a call or> ____.
10 Page 1, line 12, after <to> by inserting
11 <engage in a call or> ____.
12 Page 1, by striking lines 24 through 32 and
13 inserting:
14 <2. A person under eighteen years of age shall
15 not use a hand-held electronic communication device
16 to engage in a call, to write, send, or read a text
17 message, or for any other purpose while driving a motor
18 vehicle unless the motor vehicle is at a complete
19 stop off the roadway. A person does not violate
20 this section by using a global positioning system or
21 navigation system. >____.
22 Page 2, line 2, by striking <to write, send,
23 or read a text message> ____.
24 Page 2, lines 5 and 6, by striking <to write,
25 send, or read a text message> ____.
26 Page 3, line 14, by striking <"Text
27 messaging"> and inserting <"Use of electronic
28 communication device" >____.
29 Title page, lines 1 and 2, by striking <from
30 writing or sending a text message>, and inserting
31 <under eighteen years of age from using a hand-held
32 electronic communication device> >2.
33 By renumbering as necessary.

By RANTS of Woodbury

H-8201 FILED FEBRUARY 23, 2010

H-8203

1 Amend the amendment, H-8193, to House File 2456 as
2 follows:

3 1. Page 1, by striking lines 2 through 11 and
4 inserting:

5 _____. By striking everything after the enacting
6 clause and inserting:

7 <Section 1. Section 321.210, subsection 2, Code
8 2009, is amended by adding the following new paragraph:

9 NEW PARAGRAPH. e. Violations of section 321.276.

10 Sec. 2. NEW SECTION. 321.276 Use of electronic
11 communications device -- persons under age eighteen.

12 1. For purposes of this section:

13 a. "Electronic communication device" means a mobile
14 telephone or other electronic communication device
15 capable of being used to engage in a call or to write,
16 send, or read a text message.

17 b. "Engage in a call" means talking or listening on
18 a mobile telephone or other electronic communication
19 device.

20 c. "Text message" includes a text-based message, an
21 instant message, and electronic mail.

22 d. The terms "write", "send", and "read", with
23 respect to a text message, mean the manual entry,
24 transmission, and retrieval of a text message,
25 respectively, to communicate with any other person or
26 device.

27 2. A person under eighteen year of age shall not
28 use an electronic communication device to engage in
29 a call, to write, send, or read a text message, or
30 for any other purpose while driving a motor vehicle
31 unless the motor vehicle is at a complete stop off the
32 roadway. A person does not violate this section by
33 using a global positioning system or navigation system.

34 3. The provisions of this section shall be
35 implemented uniformly throughout the state. The
36 provisions of this section shall preempt any local
37 county or municipal ordinance regarding the use of an
38 electronic communication device by a motor vehicle
39 operator. In addition, a county or municipality shall
40 not adopt or continue in effect an ordinance regarding
41 the use of an electronic communication device by a
42 motor vehicle operator.

43 4. Nothing in this section shall be construed to
44 authorize a peace officer to confiscate an electronic
45 communication device from the driver or occupant of a
46 motor vehicle.

47 5. a. A person convicted of a violation of this
48 section is guilty of a simple misdemeanor punishable as
49 a scheduled violation under section 805.8A, subsection
50 14, paragraph "k".

H-8203

1 b. A violation of this section shall not be
2 considered a moving violation for purposes of this
3 chapter or rules adopted pursuant to this chapter.

4 6. For the period beginning July 1, 2010, through
5 June 30, 2011, peace officers shall issue only
6 warning citations for violations of this section. The
7 department, in cooperation with the department of
8 public safety, shall establish educational programs
9 to foster compliance with the requirements of this
10 section.

11 Sec. 3. Section 321.482A, unnumbered paragraph 1,
12 Code 2009, is amended to read as follows:

13 Notwithstanding section 321.482, a person who
14 is convicted of operating a motor vehicle in
15 violation of section 321.275, subsection 4, section
16 321.276, 321.297, 321.298, 321.299, 321.302, 321.303,
17 321.304, 321.305, 321.306, 321.307, 321.308, section
18 321.309, subsection 2, or section 321.311, 321.319,
19 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
20 321.324A, 321.327, 321.329, or 321.333 causing serious
21 injury to or the death of another person may be subject
22 to the following penalties in addition to the penalty
23 provided for a scheduled violation in section 805.8A or
24 any other penalty provided by law:

25 Sec. 4. Section 321.555, subsection 2, Code 2009,
26 is amended to read as follows:

27 2. Six or more of any separate and distinct
28 offenses within a two-year period in the operation of a
29 motor vehicle, which are required to be reported to the
30 department by section 321.491 or chapter 321C, except
31 equipment violations, parking violations as defined
32 in section 321.210, violations of registration laws,
33 violations of sections 321.445 and 321.446, violations
34 of section 321.276, operating a vehicle with an expired
35 license or permit, failure to appear, weights and
36 measures violations and speeding violations of less
37 than fifteen miles per hour over the legal speed limit.

38 Sec. 5. Section 805.8A, subsection 14, Code
39 Supplement 2009, is amended by adding the following new
40 paragraph:

41 NEW PARAGRAPH. k. Electronic communication device
42 violations. For violations under section 321.276, the
43 scheduled fine is thirty dollars.>

44 _____. Title page, lines 1 and 2, by striking <from
45 writing or sending a text message> and inserting
46 <under eighteen years of age from using an electronic
47 communication device>

48 _____. By renumbering as necessary.>

By RANTS of Woodbury

HOUSE FILE 2462

H-8218

1 Amend House File 2462 as follows:

2 1. Page 1, by striking lines 10 through 12 and
3 inserting:

4 (1) The costs of utilities.>

5 2. Page 1, after line 17 by inserting:

6 <(4) The maintenance costs of schoolhouses or
7 buildings and additions to existing schoolhouses.>

8 3. By renumbering as necessary.

By PETTENGILL of Benton

H-8218 FILED FEBRUARY 23, 2010

HOUSE FILE 2467

H-8209

1 Amend House File 2467 as follows:

2 1. Page 1, by striking lines 1 through 6.

3 2. Page 1, line 18, after <of> by inserting <the>

4 3. Page 1, line 25, after <separate> by inserting
5 <written>

6 4. Page 1, line 26, by striking <relates to> and
7 inserting <materially affects>

8 5. Page 2, line 22, after <claims> by inserting
9 <controversies>

10 6. Page 2, line 23, after <chapter> by inserting
11 <by written release or other written document where
12 separate and adequate consideration is offered and
13 accepted>

14 7. Page 2, line 28, after <void.> by inserting
15 <This section does not limit a franchiser from
16 establishing good cause for the termination of a
17 franchise pursuant to sections 322A.2 and 322A.11 on
18 the grounds that the franchisee's dealership facility
19 is not adequate to accommodate an additional line-make
20 that has been added to the franchisee's dealership.>

21 8. Page 2, line 34, by striking <customer> and
22 inserting <customer, including information necessary to
23 complete the sale of the vehicle,>

24 9. By renumbering as necessary.

By QUIRK of Chickasaw

H-8209 FILED FEBRUARY 23, 2010

H-8220

1 Amend House File 2475 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 216A.105 Deliverable
5 fuels -- mandatory delivery -- qualifications.

6 1. A deliverable fuel vendor engaged in the
7 business of providing deliverable fuel to customers in
8 this state shall not withhold the sale or delivery of
9 deliverable fuel to a customer between November 1 and
10 April 1 annually if the customer makes a cash payment
11 for deliverable fuel in the amount of five hundred
12 dollars; or, if the fuel is propane, the cash payment
13 shall be five hundred dollars or an amount equal to
14 the price in effect at the time of delivery for three
15 hundred gallons of propane, whichever is greater.

16 2. A deliverable fuel vendor providing deliverable
17 fuel to a customer may apply a customer's cash payment
18 pursuant to subsection 1 as follows:

19 a. Seventy-five percent toward the current
20 deliverable fuel sale or delivery.

21 b. Twenty-five percent toward any unpaid balance.

22 3. A customer shall be responsible for the
23 reasonable cost of system safety checks conducted by
24 a deliverable fuel vendor, unless the cost is paid
25 for with program funds. System safety check payments
26 shall be in addition to, and shall not reduce, the cash
27 payment otherwise available for deliverable fuel sale
28 or delivery. A propane vendor conducting a system
29 safety check shall inform customers of the existence
30 of projects developed by the Iowa propane education
31 and research council to provide assistance to persons
32 eligible for the program, if applicable, based upon the
33 results of the safety check.

34 4. A customer of a deliverable fuel vendor with an
35 unpaid balance owing to that vendor shall not attempt
36 to obtain deliverable fuel from another vendor pursuant
37 to this section unless and until a reasonable payment
38 arrangement for paying off the unpaid balance has been
39 entered into between the customer and the deliverable
40 fuel vendor. The division shall provide assistance in
41 facilitating a reasonable payment arrangement.

42 5. A deliverable fuel vendor is not prohibited
43 from withholding the sale or delivery of deliverable
44 fuel to a customer who cannot make a cash payment for
45 deliverable fuel as required in subsection 1.

46 6. For the purposes of this section, unless the
47 context otherwise requires:

48 a. "Customer" means an existing customer of a
49 deliverable fuel vendor who has qualified for the
50 federal low-income home energy assistance program for

H-8220

H-8220

Page 2

1 the purchase or delivery of deliverable fuel.
2 b. "Deliverable fuel" means propane or any other
3 heating fuel sold and delivered in this state for home
4 heating purposes.
5 c. "Deliverable fuel vendor" means a retail propane
6 marketer or marketer of a deliverable fuel other than
7 propane that has agreed to participate in the federal
8 low-income home energy assistance program.
9 d. "Program" means the federal low-income home
10 energy assistance program.
11 e. "Propane" and "retail propane marketer" mean the
12 same as defined in section 101C.2.
13 Sec. 2. REPEAL. Section 101C.14, Code 2009, is
14 repealed.
15 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
16 deemed of immediate importance, takes effect upon
17 enactment.>

By WAGNER of Linn

H-8220 FILED FEBRUARY 23, 2010

HOUSE FILE 2485

H-8217

1 Amend **House File 2485** as follows:
2 1. Title page, line 1, after <relating to> by
3 inserting <technical and substantive changes to>

By HORBACH of Tama

H-8217 FILED FEBRUARY 23, 2010

HOUSE FILE 2492

H-8211

1 Amend **House File 2492** as follows:
2 1. Page 20, before line 30 by inserting:
3 <Sec. _____. Section 256.9, subsection 60, paragraph
4 b, as enacted by 2010 Iowa Acts, **Senate File 2033**,
5 section 1, is amended by striking the paragraph.>
6 2. By renumbering as necessary.

By MAY of Dickinson RAECKER of Polk
DOLECHECK of Ringgold TYMESON of Madison
CHAMBERS of O'Brien

H-8211 FILED FEBRUARY 23, 2010

HOUSE FILE 2492

H-8213

1 Amend House File 2492 as follows:
2 1. Page 4, after line 2 by inserting:
3 <Sec. _____. Section 256.9, Code Supplement 2009, is
4 amended by adding the following new subsection:
5 NEW SUBSECTION. 59. Prepare and submit to the
6 general assembly on or before January 10, 2010, a
7 report on state and federal mandated requirements
8 with which school districts must comply. For each
9 succeeding fiscal year, the report shall be updated,
10 and the updated report shall be submitted to the
11 general assembly on or before January 10.>
12 2. By renumbering as necessary.

By UPMEYER of Hancock

H-8213 FILED FEBRUARY 23, 2010

H-8214

1 Amend House File 2492 as follows:

2 1. Page 5, after line 7 by inserting:

3 <Sec. _____. NEW SECTION. 256F.14 Frontier schools.

4 1. The board of directors of a school district, the
5 administrators of an accredited nonpublic school, the
6 board of directors of a community college, the state
7 board of regents, an accredited private institution
8 as defined in section 261.9, or a private nonprofit
9 corporation organized under chapter 504 may submit an
10 application to the state board to establish a frontier
11 school. The state board shall adopt rules specifying
12 the criteria for approval of frontier schools. The
13 department shall develop an application process. The
14 applicant shall specify in its application all of the
15 following:

16 a. Mission and instructional focus of the school.

17 b. Organizational structure and management of the
18 school.

19 c. Impact of labor agreements and contracts on the
20 success of the school.

21 d. Roles and responsibilities of all involved
22 constituencies.

23 e. Arrangements for special needs students.

24 f. Connection of the school to the school district.

25 g. Facility and operation costs.

26 h. Methods for measuring results, including but not
27 limited to student achievement results.

28 2. For purposes of this section, "frontier school"
29 means a school that is nonsectarian in its program,
30 admission policies, employment practices, and all
31 other operations. The school is a public school and is
32 part of the state's system of public education. The
33 primary focus of a frontier school shall be to provide
34 a comprehensive program of instruction for at least one
35 grade or age group from five through eighteen years
36 of age. Frontier schools may be designed to allow
37 significant autonomy to the schools. However, frontier
38 schools shall be accountable for significant results.

39 3. Except as provided in this subsection, frontier
40 schools are exempt from all statutes and rules
41 applicable to a school, a school board, or a school
42 district, although a frontier school may elect to
43 comply with one or more provisions of statute or rule.
44 However, a frontier school shall meet all applicable
45 state and local health and safety requirements; a
46 frontier school shall be organized and operated as a
47 nonprofit corporation under chapter 504; the provisions
48 of chapters 21 and 22 shall apply to meetings and
49 records of a frontier school board; and a frontier
50 school is subject to and shall comply with chapters

H-8214

1 216 and 216A relating to civil and human rights, and
2 sections 275.55A, 279.9A, 280.17B, 280.21B, and 282.4,
3 relating to suspension and expulsion of a student. The
4 frontier school shall employ or contract with necessary
5 teachers, as defined in section 272.1, who hold a valid
6 license with an endorsement for the type of service for
7 which the teacher is employed. Frontier schools are
8 subject to the same financial audits, audit procedures,
9 and audit requirements as a school district. The
10 audits shall be consistent with the requirements of
11 sections 11.6, 11.14, 11.19, 256.9, subsection 19,
12 and section 279.29, except to the extent deviations
13 are necessary because of the program at the school.
14 The department, auditor of state, or the legislative
15 services agency may conduct financial, program, or
16 compliance audits. The provisions of chapter 20 shall
17 not apply to the board of directors of a frontier
18 school or its employees.

19 4. A student enrolled in a frontier school shall
20 be counted, for state school foundation aid purposes,
21 in the student's district of residence. A student's
22 residence, for purposes of this section, means a
23 residence under section 282.1. The board of directors
24 of the district of residence shall pay to the frontier
25 school the state cost per pupil for the previous school
26 year, plus any moneys received for the student as a
27 result of the non-English speaking weighting under
28 section 280.4, subsection 3, for the previous school
29 year multiplied by the state cost per pupil for the
30 previous year.>

31 2. Title page, line 2, after <education> by
32 inserting <, frontier schools,>

33 3. By renumbering as necessary.

By MAY of Dickinson

RAECKER of Polk

DOLECHECK of Ringgold

TYMESON of Madison

CHAMBERS of O'Brien

H-8215

1 Amend House File 2492 as follows:

2 1. Page 5, after line 27 by inserting:

3 <Sec. _____. Section 257.6, subsection 1, paragraph
4 a, subparagraph (5), Code Supplement 2009, is amended
5 to read as follows:

6 (5) Resident pupils receiving competent private
7 instruction from a licensed practitioner provided
8 through a public school district pursuant to chapter
9 299A shall be counted as three-tenths of one pupil.
10 Revenues received by a school district attributed to a
11 school district's weighted enrollment pursuant to this
12 paragraph shall be expended for the purpose for which
13 the weighting was assigned under this paragraph. If
14 the school district determines that the expenditures
15 associated with providing competent private instruction
16 pursuant to chapter 299A are in excess of the
17 revenue attributed to the school district's weighted
18 enrollment for such instruction in accordance with this
19 subparagraph, the school district may submit a request
20 to the school budget review committee for modified
21 allowable growth in accordance with section 257.31,
22 subsection 5, paragraph "n". ~~A home school assistance~~
23 ~~program shall not provide moneys~~ Moneys received
24 pursuant to this subparagraph, ~~nor resources paid for~~
25 ~~with moneys received pursuant to this subparagraph, to~~
26 ~~parents or students utilizing the program shall be used~~
27 as provided in section 299A.12.>

28 2. Page 17, after line 35 by inserting:

29 <Sec. _____. NEW SECTION. 299A.12 Home school
30 assistance program.

31 1. The board of directors of a school district
32 may expend moneys received pursuant to section 257.6,
33 subsection 1, paragraph "a", subparagraph (5), for
34 purposes of providing a home school assistance program
35 to provide instruction outside the basic educational
36 program provided to regularly enrolled students by the
37 school district.

38 2. Purposes for which a school district may expend
39 funds received pursuant to section 257.6, subsection 1,
40 paragraph "a", subparagraph (5), shall include but not
41 be limited to the following:

42 a. Instruction and assisting parents with
43 instruction.

44 b. Student and teaching-parent support services and
45 staff support services.

46 c. Salary and benefits for the supervising teacher
47 of the home school assistance program students. If the
48 teacher is a part-time home school assistance program
49 teacher and a part-time regular classroom teacher,
50 funds received pursuant to section 257.6, subsection

1 1, paragraph "a", subparagraph (5), may be used only
2 for the portion of time in which the teacher is a home
3 school assistance program teacher.

4 d. Salary and benefits for clerical, office, and
5 administrative staff of the home school assistance
6 program. If the staff members are shared with other
7 programs or functions within the district, funds
8 received pursuant to section 257.6, subsection 1,
9 paragraph "a", subparagraph (5), shall only be expended
10 for the portion of time spent providing the home school
11 assistance program services.

12 e. Staff development for the home school assistance
13 program teacher.

14 f. Travel for the home school assistance program
15 teacher.

16 g. Resources, materials, software, and supplies,
17 and purchased services that meet the following
18 criteria:

19 (1) Are necessary to provide the services of home
20 school assistance.

21 (2) Are retained as the possessions of the school
22 district for its prekindergarten through grade twelve
23 home school assistance program.

24 3. Purposes for which a school district shall
25 not expend funds received pursuant to section 257.6,
26 subsection 1, paragraph "a", subparagraph (5) include
27 but are not limited to the following:

28 a. Indirect costs or use charges.

29 b. To supplant operational or maintenance costs in
30 addition to the cost of maintaining school district
31 facilities.

32 c. Capital expenditures other than equipment or
33 facility acquisition or lease expenditures.

34 d. Student transportation except in cases of home
35 school assistance program-approved field trips or other
36 educational activities.

37 e. To supplant administrative costs other than the
38 cost of employing an administrator for the home school
39 assistance program.

40 f. Dual enrollment program costs and postsecondary
41 enrollment options program costs.

42 g. Any other expenditures not directly related to
43 providing the home school assistance program. A home
44 school assistance program shall not provide moneys to
45 parents or students utilizing the program.>

46 3. By renumbering as necessary.

By TYMESON of Madison

HOUSE FILE 2492

H-8216

1 Amend House File 2492 as follows:
2 1. Page 1, before line 1 by inserting:
3 <DIVISION ____
4 GENERAL PROVISIONS>
5 2. Page 21, after line 7 by inserting:
6 <DIVISION ____
7 MARKET FACTOR TEACHER INCENTIVES
8 Sec. ____ . MARKET FACTOR TEACHER INCENTIVES --
9 FUNDS TRANSFER. Notwithstanding any provisions to the
10 contrary, any remaining allocations paid to a school
11 district for market factor teacher incentives pursuant
12 to section 284.11, Code Supplement 2007, prior to the
13 school budget year beginning July 1, 2009, and which
14 are maintained in a separate listing within a school
15 district's budget shall be transferred by the district
16 into the school district's general fund to be used for
17 general fund purposes beginning with school budget
18 years beginning on or after July 1, 2009.
19 Sec. ____ . EFFECTIVE UPON ENACTMENT. This division
20 of this Act, being deemed of immediate importance,
21 takes effect upon enactment.>
22 3. Title page, line 2, after <boards> by inserting
23 <, and including effective date provisions>
24 4. By renumbering as necessary.

By PETTENGILL of Benton

H-8216 FILED FEBRUARY 23, 2010

HOUSE FILE 2492

H-8221

1 Amend House File 2492 as follows:

2 1. Page 9, after line 19 by inserting:

3 Sec. _____. Section 279.46, Code 2009, is amended to
4 read as follows:

5 279.46 Retirement incentives -- tax.

6 1. The board of directors of a school district
7 may adopt a program for payment of a monetary bonus,
8 continuation of health or medical insurance coverage,
9 or other incentives for encouraging its employees to
10 retire before the normal retirement date as defined
11 in chapter 97B. The program is available only to
12 employees who notify the board of directors prior
13 to April 1 of the fiscal year that they intend to
14 retire not later than the start of the next following
15 school calendar. The age at which employees shall be
16 designated eligible for the program shall be at the
17 discretion of the board.

18 2. An employee retiring under this section may
19 apply for a retirement allowance under chapter 97B or
20 chapter 294.

21 3. A school district shall not offer permanent
22 part-time employment, permanent full-time employment,
23 temporary employment, or retention as an independent
24 contractor to an employee retiring under a program
25 adopted pursuant to subsection 1.

26 4. The board may include in the district management
27 levy an amount to pay the total estimated accumulated
28 cost to the school district of the health or medical
29 insurance coverage, bonus, or other incentives for
30 employees within the age range of fifty-five to
31 sixty-five years of age who retire under this section.>

32 2. By renumbering as necessary.

By SCHULTE of Linn

H-8221 FILED FEBRUARY 23, 2010

HOUSE FILE 2504

H-8196

1 Amend House File 2504 as follows:

2 1. Title page, by striking lines 1 through 3 and
3 inserting: <An Act providing for the doubling of
4 criminal fines and civil penalties in disaster areas,
5 providing penalties, and including effective date
6 provisions.>

By T. OLSON of Linn

H-8196 FILED FEBRUARY 23, 2010

SENATE FILE 2199

H-8210

1 Amend Senate File 2199, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, by striking lines 18 and 19 and
4 inserting <opinion by an attorney licensed to practice
5 law in this state who has examined the abstract of
6 title of the land upon which the manufactured or
7 mobile home is situated. The opinion shall state the
8 names of the owners and holders of mortgages, liens,
9 or other encumbrances on the land upon which the
10 manufactured or mobile home is situated and shall note
11 the encumbrances, along with any bonds securing the
12 encumbrances. Utility easements shall not be construed
13 to be encumbrances for the purpose of this section.>

By HUSER of Polk
HELLAND of Polk

H-8210 FILED FEBRUARY 23, 2010

SENATE FILE 2225

H-8197

1 Amend Senate File 2225, as passed by the Senate, as
2 follows:
3 1. Page 1, line 6, by striking <minimum>
4 2. Page 1, line 7, by striking <minimum>
5 3. Page 2, line 8, after <offenses> by inserting
6 and civil violations>
7 4. Page 2, line 13, by striking <minimum>
8 5. Page 2, line 14, by striking <minimum>
9 6. Page 3, line 7, after <crimes> by inserting <or
10 civil violations>
11 7. Page 3, line 10, after <crimes> by inserting <or
12 civil violations>
13 8. Page 3, line 14, after <offenses> by inserting
14 <and civil violations>
15 9. Title page, line 1, after <criminal> by
16 inserting <and civil>

By T. OLSON of Linn

H-8197 FILED FEBRUARY 23, 2010

SENATE FILE 2266

H-8208

1 Amend Senate File 2266, as passed by the Senate, as
2 follows:

3 1. Page 4, by striking lines 15 through 19
4 and inserting <at least one but no more than four
5 members to the district board. Each county board
6 of supervisors shall appoint a number of members to
7 the district board based on the population of that
8 county that is proportionate to the number of members
9 appointed by the county board of supervisors of each of
10 the other counties represented by the district board
11 based on each county's population. There shall be no
12 more than one board of supervisors member from any
13 participating county on the district board.>

By SCHULTE of Linn

H-8208 FILED FEBRUARY 23, 2010

Fiscal Note

Fiscal Services Division



HF 2492 – Education Department Miscellaneous Code Correction (LSB 5391HV)
Analyst: Shawn Snyder (Phone: 515-281-7799) (shawn.snyder@legis.state.ia.us)
Fiscal Note Version – New

Description

House File 2492 is the Department of Education's technical statutory correction Bill.

Background

This fiscal note addresses Section 40 of the Bill that expands the requirement of school bus inspections to include school-owned 9-passenger or less vehicles that transport students.

Assumptions

- The Department of Education, in consultation with the Department of Transportation, estimates that an additional 1,800 school vehicles would need to be inspected twice each year.
- The cost of each inspection will be \$28 beginning in FY 2011.
- School districts will pay for the additional inspections through current resources. The average amount of additional inspection fees per school district is \$280.

Fiscal Impact

There is no fiscal impact to the State General Fund.

The statewide cost to local school districts is estimated at \$101,000 annually, beginning in FY 2011.

Sources

Iowa Department of Education

/s/ Holly M. Lyons

February 23, 2010

The fiscal note for this bill was prepared pursuant to **Joint Rule 17**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 2497 – Special Education Code Corrections (LSB 5412HV)
Analyst: Shawn Snyder (Phone: 515-281-7799) (shawn.snyder@legis.state.ia.us)
Fiscal Note Version – New

Description

House File 2497 is the Department of Education's special education statutory corrections Bill.

Background and Assumptions

This fiscal note addresses Sections 6 and 7 of the Bill.

Section 6 addresses an accounting procedure regarding federal Medicaid payments received by Area Education Agencies. Based on current law, the Centers for Medicare and Medicaid Services (CMS) will demand reimbursement of Medicaid payments from previous years totaling \$6.0 to \$8.0 million. If this Section is not enacted, the reimbursement of those payments will increase FY 2011 General Fund expenditures by \$6.0 to \$8.0 million. Enactment of **Section 6** will modify the accounting procedure to comply with the CMS requirements and eliminate the CMS reimbursement requirement. Implementation of this Section is estimated to reduce payments received by the Department of Education by approximately \$50,000 in FY 2011.

Section 7 clarifies that special education students can access courses generating supplemental weighting if the course has no relationship to the student's disability. The Department of Education has indicated that this modification conforms to current school district and Department of Education practice. There is no fiscal impact anticipated as a result of enactment of this Section.

Fiscal Impact

The total estimated fiscal impact of this Bill in FY 2011 is an estimated decrease in General Fund revenues of approximately \$50,000 as a result of **Section 6**.

Sources

Department of Education
Department of Human Services

/s/ Holly M. Lyons

February 23, 2010

The fiscal note for this bill was prepared pursuant to **Joint Rule 17**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
